

Appl. No. : **10/805,766**
Filed : **March 22, 2004**

REMARKS

In response to the Office Action mailed June 1, 2007, Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the above amendments and the following remarks.

Allowed Claims

Claims 1, 2 and 31 have been allowed.

Cancelled Claims

Claims 17-20 and 25-27 have been cancelled without prejudice. Although Applicants continue to believe these claims recite patentable subject matter, Applicants have cancelled these claims to narrow the issues in order to speed prosecution. Applicants reserve the right to further pursue claims to this subject matter in the future.

Response to Drawing Objection

The Examiner objected to the drawings as not complying with 37 C.F.R. § 1.84(p)(5), contending that the drawings do not include reference character 44, which is mentioned in the description. Applicants respectfully traverse the rejection because reference number 44 is included in Figure 9, and refers generally to the stop mechanism 44.

Since the drawings show reference number 44, Applicants respectfully request that the Examiner withdraw the objection to the drawings.

Response to §112 Rejection

The Examiner rejected Claims 3-11 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner contends that the ratchet member being flexible (recently added by amendment) was not supported by the specification as filed. Although Applicants contend that the specification as filed supports the ratchet member being flexible (referred to as hinged in para. [0060]), Applicants have removed this word from the claim. As such, Applicants contend that the §112 rejection is overcome.

Claims 3-8

The Examiner rejected Claims 3-8 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Publication No. 2002/0170570 to Bergman. Applicants respectfully traverse the rejection and disagree with the Examiner's characterization of the cited reference.

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The Examiner characterizes Bergman as teaching “A series of ratchet receiver members internally formed with the housing (see Figure 14).” (Office Action ¶ 5). In fact, the embodiment of Figure 14 teaches a winding gear 22 that is presumably the same as the winding gear 22 described in connection with the other figures and embodiments. Such a winding gear 22 has serrations 44 on its periphery, and a ratchet arm 46 cooperates with the serrations so that the winding gear rotates in only one direction (see Figure 5 and ¶[0039]).

As Applicants noted in the Office Action Response filed March 15, 2007, Claim 3 recites, *inter alia*, “a series of ratchet receiver members integrally formed with the housing”. Bergman clearly does not teach or suggest this feature, which provides marked advantages in manufacturing and operating the flossing device.

Since Bergman does not teach or suggest all of the limitations of Claim 3, Applicants respectfully request that the Examiner withdraw the rejection of this claim.

The claims that depend from Claim 3 recite additional subject matter not taught or suggested by the cited reference. For example, Claims 4-6 have been amended to clarify the structure of the axle about which floss from the return path is wound, specifically with regard to the flow path, which is separated from the wound return floss by a recited guard. Bergman ‘570 does not teach or suggest any structure resembling the recited structure.

Further, Claim 7 recites a structure in which the return path has a greater minimum width along its length than the supply path. This structure aids in at least ventilating the return floss while minimizing pathway constraints that could compromise communication of tension from the advancement mechanism to the floss in the head of the device. Bergman (see Figure 14) clearly teaches the supply path having a greater minimum width than the return path. This is precisely opposite the claimed structure. Thus, clearly Bergman does not teach or suggest this recited structure. However, the Examiner did not address this structure in rejecting Claim 7. Applicants contend that Claim 7 is patentable not only because it depends from patentable claims, but because it recites additional patentable subject matter as well.

Claims 28, 29, 32 and 33

The Examiner rejected Claims 28, 29, 32 and 33 under 35 U.S.C. § 102(b) as anticipated by Bergman ‘570. Applicants respectfully traverse the rejection.

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Claim 28 recites, *inter alia*, a hand-held flossing device having housing with floss paths, the housing being arranged and configured to include an enclosed truss structure. Claim 29 further recites that the housing comprises a plurality of interior walls, and at least some of the interior walls interact to form an enclosed truss structure. None of these limitations are taught by the Bergman reference. Applicants noted this fact in the Office Action Response filed March 15, 2007; however, the Examiner has again rejected these claims without addressing the recited truss structure, which is a marked departure and improvement in the inventive field. Bergman '570 may teach some internal walls, but such walls are not arranged in the truss arrangement of the claimed structure, nor is there any suggestion to have such a structure.

Still further, the claims that depend from Claim 28 recite additional patentable subject matter not taught or suggested by Bergman '570. For example, Claim 33 additionally recites "a truss structure is disposed forwardly and rearwardly of the stop mechanism. Again, this is clearly not taught or suggested by Bergman '570, and Applicants respectfully request allowance of the claim.

Notably, Claim 21 has been amended to change its dependency so that Claims 21-24 now depend from Claim 33. The Examiner had rejected these claims, contending that they comprise only discovering an optimum or workable range and involve only routine skill in the art. Applicants respectfully traverse this rejection. Claims 21 and 22 recite an important relationship that doesn't relate at all to optimum ranges. Specifically, Claim 21 recites that the stop mechanism has a maximum tension limit, and above that tension limit the floss will slip relative to the stop mechanism. This is an important safety feature to prevent damage to users' teeth. Claim 22 additionally recites that the floss has a yield strength greater than the maximum tension limit. This is also an important feature, in that it allows the device to be safe (as in Claim 21), yet without damaging the device. Specifically, the stop mechanism will allow the floss to slip before exerting a floss tension that could damage a user's teeth, and before the floss breaks (which could render a device unusable). Thus, the recited subject matter adds a beneficial feature not taught or suggested in the cited art.

Since the cited art does not teach or suggest all of the recited limitations, Applicants respectfully request that the rejection of these claims be withdrawn.

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New Claim

New Claim 34 depends from Claim 3 and recites further patentable features related to the ratcheting mechanism. These features are not taught or suggested in the cited references, and are currently considered to be in condition for allowance.

Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections and objections set forth in the outstanding Office Action are inapplicable to the present claims and specification. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

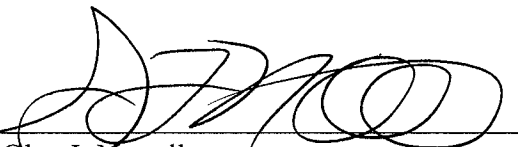
The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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